

SMB
7/21/08
9:45amUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

'08 MJ 2206 2008 JUL 21 AM 11:02

UNITED STATES OF AMERICA,

Plaintiff,

v.

Angel LOAEZA-Catalan

Defendant.

Magistrate Case No. _____

COMPLAINT FOR VIOLATION OF

Title 18, U.S.C., Section 1546(b)(1)
Fraud and Misuse of Visas, Permits,
and Other DocumentsTitle 18, U.S.C., Section 1544
Misuse of PassportTitle 8, U.S.C., Section 1326
Attempted Entry After
Deportation

The undersigned complainant being duly sworn states:

Count I

On or about **July 14, 2008**, within the Southern District of California, defendant **Angel LOAEZA-Catalan**, an alien, in applying for entry to the United States at the **Calexico Port of Entry**, used an identification document, knowing, or having reason to know, that the document was not issued lawfully for the use of the possessor, in violation of Title 18, United States Code, Section 1546(b)(1).

Count II

On or about **July 14, 2008**, within the Southern District of California, defendant **Angel LOAEZA-Catalan**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **Calexico Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

Count III

On or about **July 18, 2008**, within the Southern District of California, defendant **Angel LOAEZA-Catalan**, did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States at the **San Ysidro Port of Entry** by presenting U.S. Passport number **056707096**, issued to **Enrique Junior Sandoval**, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not **Enrique Junior Sandoval**, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport. All in violation of Title 18, United States Code, Section 1544.

Continued on Page 2

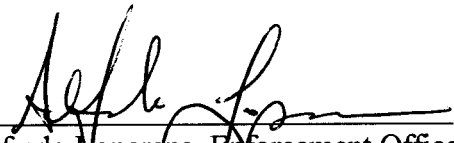
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Continuation of Complaint
RE: Angel LOAEZA-Catalan

Count IV

On or about **July 18, 2008**, within the Southern District of California, defendant **Angel LOAEZA-Catalan**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Alfredo Loperena, Enforcement Officer
Customs and Border Protection

Sworn to before me and subscribed in my presence, this **21st** day of **July, 2008**.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Sergio Barron, declare under penalty of perjury the following to be true and correct:

On July 14, 2008, at approximately 2159 hours, **Angel LOAEZA-Catalan (Defendant)** attempted to enter the United States from Mexico at the Calexico, California Port of Entry vehicle entrance as a passenger in a vehicle driven by Francisco Luna-Parra. Defendant presented a Permanent Resident Alien Card (Form I-551) bearing his name and photo as his entry document to a Customs and Border Protection (CBP) officer. The CBP officer swiped Defendant's I-551 through the card reader and received a computer generated referral. Both occupants and vehicle were escorted to secondary for further investigation.

In secondary, computer queries conducted by a CBP officer revealed Defendant was ordered deported by a United States Immigration Judge in 2002 and, therefore, no longer entitled to status as a Permanent Resident Alien.

During a sworn statement, Defendant admitted he is a citizen of Mexico with no legal rights to enter the United States. Defendant admitted he has not requested nor received permission to reenter the United States. Defendant admitted he was previously deported from the United States in 2002. Defendant admitted he presented an I-551 previously issued to him, knowing it is no longer valid due to his deportation from the United States. Defendant stated he intended to travel to Salem, Oregon. Defendant was served an Expedited Removal Order and removed to Mexico.

On July 18, 2008, at approximately 0536 hours, Defendant attempted to enter the United States from Mexico at the San Ysidro, California Port of Entry pedestrian entrance. Defendant presented as his own a United States passport bearing the name Enrique Junior Sandoval as his entry document to a Customs and Border Protection (CBP) officer. Defendant told the officer he was going to San Diego, California. The CBP officer noticed Defendant did not resemble the photo on the passport, swiped the passport through the card reader and received a computer generated referral indicating the passport had been reported lost/stolen. The CBP officer escorted Defendant to secondary for further inspection.

During secondary inspection, Defendant was queried by fingerprint and photograph through the Automated Biometric Identification System (IDENT). IDENT returned a match to the query, identifying Defendant as a citizen of Mexico and a previously deported alien. Defendant's identity was verified by 10-digit fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS linked Defendant to an FBI number and Immigration Service Records.

Further queries using the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant is a citizen of Mexico with no legal documents to enter the United States. DACS indicates an Immigration Judge ordered Defendant deported from the United States on or about April 4, 2002. On or about May 28, 2008, Defendant was apprehended by Immigration and Customs Enforcement Fugitive Operations in Salem, Oregon and physically removed from the United States pursuant to the April 4, 2002 order on or about May 31, 2008.

Continued on Page 2.

Continuation of Probable Cause Statement**RE: Angel LOAEZA-Catalan**

DACS indicates Defendant was last removed to Mexico from the United States on July 14, 2008. Immigration service records also contain no evidence that Defendant has applied for, or received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

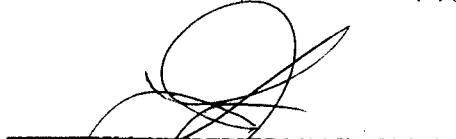
During a videotaped proceeding, Defendant was advised of his Miranda Rights and elected to submit to questioning without benefit to counsel. Defendant admitted he is a citizen of Mexico. Defendant admitted he is not the lawful holder of the U.S. passport he presented for entry. Defendant admitted he presented the United States passport for entry into the United States and stated he bought the passport from a document vendor in Tijuana, México. Defendant stated he intended to travel to San Diego, California. Defendant refused to answer further questions.

Executed on this ~~18th~~ day of July, 2008 at 1700 hours.



Sergio Barron / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (2) pages, I find probable cause to believe that the defendant named therein committed the offenses on **July 14, 2008** and **July 18, 2008** in violation of Title 18, United States Code, Section 1544; Title 18, United States Code, Section 1546(b)(1); and Title 8, United States Code, Section 1326.


United States Magistrate Judge

July 19, 2008 - 2:20 PM
Date / Time